

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

CRIS DOCKERY

PLAINTIFF

V.

CIVIL ACTION NO. 3:11CV408TSL-MTP

**TED HORVATH and
JOHN DOES 1-10**

DEFENDANTS

**MOTION FOR PERMISSION TO SERVE SUBPOENAS PRIOR TO RULE 26(f)
INITIAL ATTORNEY CONFERENCE IN ORDER TO OBTAIN AND PRESERVE
ELECTRONIC EVIDENCE**

COMES NOW Plaintiff Cris Dockery, by and through Counsel, and files this Motion for Permission to Serve Subpoenas Prior to Rule 26(f) Initial Attorney Conference to Obtain and Preserve Electronic Evidence, respectfully representing as follows:

1. Plaintiff's suit is one for alienation of affection and other claims related to Defendant Horvath's acts with Plaintiff's now ex-wife.

2. Plaintiff is aware that Defendant Horvath has and is communicating with his now ex-wife through electronic means such as cellular phone, telephone, text messaging, and/or email.

3. It is Plaintiff's understanding and belief that this type of electronic information is time sensitive.

4. To date, no attorney has formally entered an appearance on behalf of Defendant Horvath and to Plaintiff's knowledge no Initial Order has been issued by the Court. However, counsel for Plaintiff has been in communication with counsel out of New York for Defendant Horvath.

5. Accordingly, Plaintiff requests permission to serve subpoenas on any known third party through which Defendant Horvath and Plaintiff's now ex-wife have communicated, prior

to the Rule 26(f) attorney conference requirement, in an effort to obtain critical evidence and prevent it from being lost.

6. Plaintiff represents that any subpoena issued will be provided to New York counsel for Defendant Horvath, though no formal entry of appearance has been made by counsel for Defendant Horvath in this matter.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests permission from the Court to serve subpoenas on third parties to obtain and preserve evidence prior to the required Rule 26(f) conference. Plaintiff further prays for all other relief for which he is entitled under the law.

This the 19th day of October, 2011.

Respectfully submitted,
CRIS DOCKERY

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BY: /s/ Jeffrey M. Williams
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